



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,383	01/05/2004	Scott Blum	31948-1020	6829
7590 Mitchell P. Brook, Esq. Suite 200 11988 El Camino Real San Diego, CA 92130				
			EXAMINER DURAN, ARTHUR D	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 09/22/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/752,383

Applicant(s)

BLUM, SCOTT

Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claims 1-24 have been examined.

Response to Amendment

The Amendment filed 8/25/10 on is sufficient to overcome the prior rejection. However, a new rejection has been made. Please note the change of the rejection from 102 to 103 and the addition of the Kontogouris reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal (20040098313) in view of Kontogouris (20020082910).

Claims 16, 1, 10: Agrawal discloses a method of conducting commerce via an electronic communications network in which a second website advertises via a first website, the method comprising:

requesting access to a second website from a first website;

requiring receipt by the second website of an access operation input; and

providing a destination page from the second website after receipt of the access operation input, the destination page providing data pertaining to a product or service for sale via the second website (Figure 22).

Also, notice in Agrawal that the system can proceed to the merchant website or back to the associate website (Figure 22; [103], notice the incorporation by reference to 6,029,141)

Examiner notes that Applicant's Specification states that the code can be entered by the user or computer ([15]).

Additionally, on 8/25/10, Applicant added new features to the independent claims: "cause an interim landing page to be displayed;

require receipt by the second website of an access operation input via the interim landing page; and

allow access to a destination page having the content from the second website after receipt of the access operation input."

Also, on page 8 of the Applicant's 8/25/10 comments, in regards to these claim features, Applicant states, "Conversely, the claims require that the access operation occurs before the content from the second website is accessed. [Applicant's underlining]".

Agrawal does not explicitly disclose an interim page between the first website and a second webpage where an access operation input is required via the interim page. However, Agrawal discloses requiring passwords ([74]) and interim webpages (Figure 22; [191, 197]). Agrawal does not explicitly disclose that the interim page requires a password/passcode/access operation input or that the interim page occurs between the first website and second webpage. However, Kontogouris discloses an interim page between the first website and a second webpage where an access

Art Unit: 3622

operation input is required via the interim page (Figs. 1-3, 6, 7, 8, 9, 11, 12; [57-61]; Note that the proper answer in Fig. 12 and the use of user passwords/passcodes in Fig. 7, item 10; Fig. 8; and [58] function as the access operation input). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Kontogouris interim webpage between the first and second webpage to Agrawal's interim webpage. One would have been motivated to do this in order to better present content of interest in a manner considered more timely or to better check user access rights. Alternatively, the MPEP states that changes in sequence or rearrangement of parts is obvious (MPEP2144.04.IV.C. and MPEP2144.04.VI.C.). Hence, it is obvious that the location of the interim webpage in Agrawal can be moved around to different timing points or between different webpage presentation times. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features of the two inventions since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Also, in further regards to claim 10, the proper answer in Fig. 12 of Kontogouris or the user of passwords/passcodes by Kontogouris (Note the use of user passwords/passcodes in and Fig. 7, item 10; Fig. 8; and [58]) functions as the claimed access code.

Claims 2, 11, 17: Agrawal discloses the method as recited in claim 1 further comprising: counting the number of times correct access operation inputs are received by the second website; and generating a click count corresponding to the number of correct access operations ([103]).

Claims 3, 12, 18: Agrawal discloses the method as recited in claim 2 further comprising: using the click count corresponding to the number of correct access operations as the basis for determining a fee owned on a pay-by-click basis by the second website to the first website ([103]).

Claims 4, 13, 19: Agrawal discloses the method as recited in claim 2 further comprising: reporting the click count to the first website ([103]).

Claims 5, 20: Agrawal discloses the method as recited in claim 1 further comprising: entering into a pay-by-click advertising agreement between the first website and the second website ([103]).

Claims 6, 14, 21: Agrawal discloses the method as recited in claim 1 further comprising: providing an interim landing page (Figure 22; [191, 197]). Notice that the confirmation page acts as an interim page.

Claims 7, 22: Agrawal discloses the method as recited in claim 6 further comprising: supplying Internet address identifying information from the second website corresponding to the interim landing page (Figure 22; [191, 197]).

Claims 8, 23: Agrawal discloses the method as recited in claim 6 further comprising: user selection of the identifying information to signal the second website to provide the interim landing page data to the user making the selection (Figure 22; [191, 197]). Notice that the user selects or interacts with the interim/confirmation page.

Claims 9, 24, 15: Agrawal discloses the method as recited in claim 1 wherein the first website comprises an advertising provider website and the second website comprises an Internet commerce website (Figure 22; associate and merchant).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Please note the change of the rejection from 102 to 103 and the addition of the Kontogouris reference.

On 8/25/10, Applicant added new features to the independent claims:

"cause an interim landing page to be displayed;

require receipt by the second website of an access operation input via the interim landing page; and

allow access to a destination page having the content from the second website after receipt of the access operation input."

On page 8, in regards to these claim features, Applicant states, "Conversely, the claims require that the access operation occurs before the content from the second website is accessed. [Applicant's underlining]".

Agrawal does not explicitly disclose an interim page between the first website and a second webpage where an access operation input is required via the interim

page. However, Agrawal discloses requiring passwords ([74]) and interim webpages (Figure 22; [191, 197]). Agrawal does not explicitly disclose that the interim page requires a password/passcode/access operation input or that the interim page occurs between the first website and second webpage. However, Kontogouris discloses an interim page between the first website and a second webpage where an access operation input is required via the interim page (Figs. 1-3, 6, 7, 8, 9, 11, 12; [57-61]; Note that the proper answer in Fig. 12 and the use of user passwords/passcodes in Fig. 7, item 10; Fig. 8; and [58] function as the access operation input). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Kontogouris interim webpage between the first and second webpage to Agrawal's interim webpage. One would have been motivated to do this in order to better present content of interest in a manner considered more timely or to better check user access rights. Alternatively, the MPEP states that changes in sequence or rearrangement of parts is obvious (MPEP2144.04.IV.C. and MPEP2144.04.VI.C.). Hence, it is obvious that the location of the interim webpage in Agrawal can be moved around to different timing points or between different webpage presentation times. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features of the two inventions since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Also, in further regards to claim 10, the proper answer in Fig. 12 of Kontogouris or the user of passwords/passcodes by Kontogouris (Note the use of user passwords/passcodes in and Fig. 7, item 10; Fig. 8; and [58]) functions as the claimed access code.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a) Keller (5821933; Figures 3, 5, 6, 9) and Jalili (6209104; Figures 5, 8, 9) disclose the user entering a graphical challenge password in order to proceed;
- b) Isikawa, Granik, Zuili disclose click fraud and preventing click fraud by confirmation codes and pages;
- c) Kontogouris and Hamzy and Auxier disclose the user entering an answer before being allowed to proceed towards a desired page.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3622

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arthur Duran
Primary Examiner
Art Unit 3622

/Arthur Duran/
Primary Examiner, Art Unit 3622
9/21/10